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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/977,497	10/16/2001	Colin Andrew Low	1509-225	1504

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EXAMINER

SALL, EL HADJI MALICK

ART UNIT PAPER NUMBER

2157

DATE MAILED: 09/25/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/977,497	<b>Applicant(s)</b> LOW ET AL.	
	<b>Examiner</b> El Hadji M. Sall	<b>Art Unit</b> 2157	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 23 June 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

1. This communication is in response to the amendment filed on June 23, 2006.

Claims 1-20 are pending. Claims 1-20 represent inviting assistant entity into a network communication session.

2. ***Claim Rejections - 35 USC § 102***

A person shall be entitled to a patent unless –

(e) The invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000.

Art Unit: 2157

Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

3. Claims 1- 3, 7-10 and 12-15 are rejected under 35 U.S.C. 102(e) as being unpatentable over Owen et al. U.S. 6,611,501.

Owen teaches the invention as claimed including process management system (see abstract).

As to claims 1 and 17, Owen teaches a service system comprising:

A session entity for establishing communication sessions and controlling the joining of endpoint entities to each such session (column 12, lines 4-6);

A transport entity for establishing a transport mechanism for each session established by the session entity, the transport mechanism allowing the exchange of data across a network between endpoint entities joined to the session (figure 2, item 901);

request-reception means operative to receive a request from a first endpoint entity already joined to a session and constituted by a party having an endpoint system connected to the network, the request serving to request the presence of an assistant entity in the session and directly or indirectly indicating the identity of the existing communication session (column 12, lines 9-15); and

assistant-selection means responsive to the receipt of a said request by the request-reception means to select an appropriate assistant entity from a group of possible assistant entities taking account of the context of the existing communication session, the assistant-selection means being operative to cause the session entity to join the selected assistant entity to the session (column 12, lines 4-15, Owen discloses each user has a user agent 107 representing and acting on behalf of the user. An "appropriate" user agent receives requests from users to establish service sessions; column 13, lines 15-20; column 27, lines 11-12).

As to claims 2 and 18, Owen teaches a method and a service system according to claims 1 and 17, wherein the assistant entity is a customer service representative and associated endpoint system (figure 5).

As to claims 3 and 19, Owen teaches a method and a service system according to claims 1 and 17, wherein the assistant entity is a software-based entity with an associated knowledge base (column 5, lines 59-62).

As to claims 7, 14 and 15, Owen teaches a method according to claims 1 and 7, wherein the service system, in setting up a communication session, creates a service-session functional entity which in the course of joining a said endpoint entity to the session, sends connection details of the transport mechanism associated with the

Art Unit: 2157

communication session to the endpoint entity or its proxy, that endpoint entity or its proxy then using the connection details to connect itself to the transport mechanism (column 11, lines 22-23; column 12, lines 4-15).

As to claims 8 and 9, Owen teaches a method according to any one of claims 7 and 1, wherein the service system, in setting up a communication session, creates a service-session functional entity that comprises a session instance with generic behaviour for adding and removing endpoint entities to the communication session and for recording the endpoint entities currently joined to the communication session, and an associated service instance with service-specific behaviour determining when the session instance is to add and remove endpoint entities (column 10, line 66 to column 11, line 3; column 11, lines 22-23; column 12, lines 6-7).

As to claim 10, Owen teaches a method according to claim 1, wherein the transport mechanism associated with a communication session provides multiple data transfer channels, for different media types, between endpoint entities joined to the communication session (column 10, lines 34-38; figure 3).

As to claim 12, Owen teaches a method according to claim 7, wherein the transport mechanism associated with a communication session provides multiple data transfer channels, for different media types between endpoint entities joined to the communication session, the connection details passed to a said endpoint entity or its

Art Unit: 2157

proxy comprising details of the media channels associated with the communication session, and the endpoint entity or its proxy using these details to establish corresponding media channel connections to the transport mechanism (column 10, lines 34-38; figure 3).

As to claim 13, Owen teaches a method according to claim 7, wherein the state of connection of a said endpoint entity to the transport mechanism is signalled to the session-service functional entity by leg messages passed between a leg controller of the endpoint entity or its proxy and a corresponding leg controller of the service-session functional entity (column 10, lines 23-32).

#### **4. *Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 4-6, 11, 16 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Owen et al. U.S. 6,611,501 in view of Brown et al. U.S. 6,385,646.

Owen teaches the invention as claimed including process management system (see abstract).

As to claim 4, Owen teaches a method according to claim 1.

Owen fails to teach explicitly wherein the data network is the internet, and the existing session has multiple parties connected to it through web browser functionality of associated endpoint systems, the service system providing follow-me page-push functionality to the party endpoint systems whereby to enable co-browsing by the parties joined to the session.

However, Brown teaches method and system for establishing vice communications in an Internet environment. Brown teaches the data network is the internet, and the existing session has multiple parties connected to it through web browser functionality of associated endpoint systems, the service system providing follow-me page-push functionality to the party endpoint systems whereby to enable co-browsing by the parties joined to the session (column 9, lines 5-9).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Owen in view of Brown to provide the existing session has multiple



Art Unit: 2157

parties connected to it through web browser functionality of associated endpoint systems, the service system providing follow-me page-push functionality to the party endpoint systems whereby to enable co-browsing by the parties joined to the session. One would be motivated to do so to allow a combined marketing approach using the Web and call centers (abstract).

As to claims 5 and 6, Owen teaches a method according to claims 4 and 1.

Owen fails to teach explicitly the context of the existing communication session comprises the subject of a web page currently being jointly browsed by the parties joined to the session service; and wherein in step (a) the first party uses an active feature of a web page served by the service system to request that a assistant entity join the session.

However, Brown teaches the context of the existing communication session comprises the subject of a web page currently being jointly browsed by the parties joined to the session service; and wherein in step (a) the first party uses an active feature of a web page served by the service system to request that a assistant entity join the session (column 3, lines 61-65; column 14, lines 37-40).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Owen in view of Brown to provide the context of the existing communication session comprises the subject of a web page currently being jointly browsed by the parties joined to the session service; and wherein in step (a) the first party uses an active feature of a web page served by the service system to request

Art Unit: 2157

that a assistant entity join the session. One would be motivated to do so to allow the interactive between the customer and the agent be done quickly and efficiently.

As to claim 11, Owen teaches a method according to claim 10, wherein the endpoint entities include transport mechanism provides channels for packetized voice (column 9, lines 28-31).

Bentley fails to teach explicitly wherein the endpoint entities include web browser functionality and the service system provides functionality follow-me page-push.

However, Brown teaches the endpoint entities include web browser functionality and the service system provides functionality follow-me page-push (column 7, lines 34-39, Brown discloses an example of transmitting information from agent to user involves a "page-push" operation, where the call center agent presents information in the form of a Web page to the user's Web browser).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Owen in view of Brown to provide wherein the endpoint entities include web browser functionality and the service system provides functionality, and the transport mechanism provides channels, for at least two of the following: text chat; follow-me page-push; packetized voice. One would be motivated to do so to allow a combined marketing approach using the Web and call centers (abstract).

As to claim 16, Owen teaches a method according to claim 15.

Owen fails to teach the connection details and functionality are sent in association with a web page served by the service system.

However, Brown teaches the connection details and functionality are sent in association with a web page served by the service system (column 3, lines 61-65, Brown teaches When an Internet user clicks a button to connect to an agent, a call is connected from the agent to the user and the agent can view the Web page that a user is viewing (as well as account data and information about the user's prior interaction with the Web page); column 14, lines 37-40, Brown discloses based on the whisper code, sending an audio message to the call center, the audio message relating to at least one of an identity of the user and details of the interactive communication session).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Owen in view of Brown to provide the connection details and functionality are sent in association with a web page served by the service system. One would be motivated to do so to allow calls to be routed to selected call centers.

As to claim 20, Owen teaches a service system according to claim 17.

Bentley fails to teach the network is the Internet and the service system providing follow-me page-push functionality to the party endpoint systems whereby to enable co-browsing by the parties joined to the session.

However, Brown teaches the network is the Internet and the service system providing follow-me page-push functionality to the party endpoint systems whereby to

Art Unit: 2157

enable co-browsing by the parties joined to the session (column 9, lines 5-9; column 7, lines 34-39).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Owen in view of Brown to provide the service system providing follow-me page-push functionality to the party endpoint systems whereby to enable co-browsing by the parties joined to the session. One would be motivated to do so to allow a combined marketing approach using the Web and call centers (abstract).

**6. *Response to Arguments***

Applicant's arguments filed 06/23/06 have been fully considered but they are not persuasive.

(A) Applicant argues that the Office Action fails to identify which element of Owen corresponds to assistant-selection means of claim 17.

In regards to point (A), examiner respectfully disagrees.

Column 27, lines 11-12, Owen discloses a User Agent Manager sending a message on to the relevant User Agent via its customer object. Examiner construes the assistant-selection means as the User Agent Manager.

(B) Applicant argues that Owen's user agent fails to perform a selection of an assistant entity regardless of the appropriateness of the assistant entity.

In regards to point (B), examiner respectfully disagrees.

Column 27, lines 11-12, Owen discloses a User Agent Manager sending a message on to the relevant User Agent via its customer object. Examiner construes the relevant User agent as "a selected assistant entity".

(C) Applicant argues that Owen fails to disclose assistant-selection means selecting from a group of possible assistant entities.

In regards to point (C), examiner respectfully disagrees.

Column 27, lines 11-12, Owen discloses a User Agent Manager sending a message on to the relevant User Agent via its customer object. The relevant User Agent is inherently "selected from a group of possible entities or User Agent".

(D) Applicant argues that Owen fails to disclose assistant-selection means taking account of the context of the existing communication sessions.

In regards to point (D), examiner respectfully disagrees.

Column 27, lines 11-115, Owen discloses a User Agent Manager sending a message on to the relevant User Agent via its customer object, which creates a Term session object, identified by the Terminal Agent which sent the message and the name of the station being used. Therefore, Owen explicitly discloses The assistant-selection

means or the User Agent Manager "taking account of the context of the existing communication session.

(E) Applicant argues that Claims 4-6, 11, 16 and 20 are patentable over Owen for at least the reasons advanced above with respect to claims 1 and 17, respectively, as described above. Brown fails to cure the above-noted deficiencies of Own and the rejection is respectfully requested to be withdrawn.

In regards to point (E), examiner respectfully disagrees.

The Examiner kindly submits that the applicant(s) misread the applied references used in the rejection. Actually, applicants are interpreting the claims very narrow by considering the broad teaching of the references used in the rejection. The aforementioned assertion wherein claims 4-6, 11, 16 and 20 are patentable over Owen for at least the reasons advanced above with respect to claims 1 and 17, respectively, as described above, as applicants have described in their specification and as affirmatively claimed with the present active claims as recited above, was unsupported by objective factual evidence and was not found to be of substantial evidential value. For this assertion to have merit, it is important to applicants to provide some forms of evidence that convincingly show that Examiner's references do not meet the claims language. Furthermore, Applicants are reminded that 37 CFR 1.111(b) states, "a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references does not comply with the requirement of this section". Thus, applicants'

assertions are just mere allegation with no supported fact by failing to specifically point out how the language of the claims patentably distinguished them from the cited references. Applicants are reminded that the Examiner is entitled to the broadest reasonable interpretation of the claims. The Applicants always have the opportunity to amend the claims during prosecution and broad interpretation by the Examiner reduces the possibility that the claim, once issued, will be interpreted more broadly than is justified. In re Prater 162 USPQ 541, 550-51 (CCPA 1969). Hence the 35 U.S.C 102 is hereby sustained.

**7. Conclusion**

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

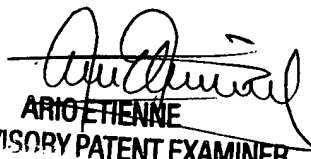
A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to El Hadji M Sall whose telephone number is 571-272-4010. The examiner can normally be reached on 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on 571-272-4001. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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